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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Rogers and King

Application No. 09/742,946

Filed: December 20, 2000

For: System and Method for Performing  
Type Checking for Hardware  
Device Nodes in a Graphical  
Program

§ Group Art Unit: 2174

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§ Examiner: Ke, Peng

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§ Atty. Dkt. No.: 5150-52100

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**CERTIFICATE OF MAILING  
37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Mark K. Brightwell

Name of Registered Representative

June 5, 2007  
Date

Mark K. Brightwell  
Signature

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT  
APPEAL BRIEF MAILED ON 5/09/2007**

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

This paper is submitted in response to the "Notification of Non-Compliant Appeal Brief" mailed by the U.S. Patent Office on 5/09/2007. The Notification indicated that the Appeal Brief filed by Applicant on 12/29/2006 was non-compliant because the *Summary of Claimed Subject Matter* provided in the Appeal Brief "doesn't properly map the limitations of these claims to the specification and drawings". Thus, Applicant submits herein a Replacement for the *Summary of Claimed Subject Matter*.

## V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is directed to a method for propagating type information for hardware device nodes in a graphical program, as disclosed in the specification at least at the following locations:

the passage starting at page 7, line 2 and continuing through page 8, line 6;  
the passage starting at page 10, line 20 and continuing through page 11, line 17;  
the passage starting at page 23, line 4 and continuing through page 25, line 22;  
the passage starting at page 32, line 5 and continuing through page 33, line 21;  
page 37, lines 4-17; and  
Figures 6 and 10.

The method operates in a computer including a display screen and a user input device.  
The method includes:

displaying on the display screen of the computer a first hardware device node in the graphical program in response to user input (*see, e.g., page 7, lines 4-12; page 10, lines 23-24; page 23, lines 18-24; page 24, lines 3-5; and page 32, line 13*), wherein the graphical program comprises a plurality of interconnected nodes or icons (*see, e.g., page 20, lines 1-5*), wherein the plurality of interconnected nodes or icons visually indicate functionality of the graphical program (*see, e.g., page 3, lines 12-16*);

associating the first hardware device node with a hardware device (*see, e.g., page 7, lines 13-21; page 10, lines 24-29; page 23, line 25 through page 24, line 2; page 24, lines 6-16; page 25, line 29 through page 26, line 5; page 26, lines 7-25; and page 32, lines 14-17*);

displaying on the display screen a second hardware device node in the graphical program in response to user input (*see, e.g., page 7, line 22; page 11, lines 1-3; page 24, lines 3-5; page 24, lines 17-18; and page 32, lines 18-19*);

connecting the first hardware device node to the second hardware device node in response to user input (*see, e.g., page 7, lines 23-30; page 11, lines 3-7; page 24, lines 6-10; page 24, lines 19-23; page 25, lines 23-28; page 26, lines 26-28; page 27, lines 10-17; and page 32, lines 20-28*); and

propagating information from the first hardware device node to the second hardware device node, wherein the information specifies the hardware device with which the first hardware device node is associated, wherein said propagating occurs in response to said connecting the first hardware device node to the second hardware device node (*see, e.g., page 8, lines 1-6; page 11, lines 6-17; page 24, lines 10-16; page 24, lines 23-27; page 27, lines 1-2; page 27, lines 3-9; page 27, lines 18-24; page 27, line 29 through page 28, line 3; page 32, line 29 through page 33, line 4; and page 33, lines 18-21*).

The graphical program is executable by the computer (*see, e.g., page 14, line 18 through page 15, line 2; and page 20, lines 8-10*).

Claim 10 is directed to a method for performing type checking for a hardware device node in a graphical program, as disclosed in the specification at least at the following locations:

the passage starting at page 8, line 22 and continuing through page 9, line 23;  
page 34, line 6 through page 35, line 17;  
Figure 11;  
page 37, lines 4-17; and  
page 39, lines 6-19.

The method operates in a computer including a display screen. The method comprises:

displaying on the display screen of the computer a first hardware device node in the graphical program in response to user input (*see, e.g., page 8, lines 28-29; page 10, lines 4-7; page 10, lines 24-25; and page 27, lines 10-12*), wherein the

graphical program comprises a plurality of interconnected nodes or icons (*see, e.g., page 20, lines 1-5*), wherein the plurality of interconnected nodes or icons visually indicate functionality of the graphical program (*see, e.g., page 3, lines 12-16*);

associating the first hardware device node with a first hardware device class in response to user input (*see, e.g., page 8, lines 29 through page 9, line 5; page 10, lines 24-26; page 27, lines 11-17; and page 34, line 7-13*);

selecting a method or property of the first hardware device class for the first hardware device node in response to user input (*see, e.g., page 9, lines 5-6; page 10, lines 8-19; page 28, lines 4-16; and page 34, lines 14-19*);

changing the first hardware device node to have an association with a second hardware device class in response to user input (*see, e.g., page 9, lines 7-10; page 30, lines 16-18; and page 34, lines 20-25*); and

performing type checking to determine whether the method or property is valid for the second hardware device class, in response to said changing the first hardware device node to have an association with the second hardware device class (*see, e.g., page 9, lines 10-23; page 30, lines 11-24; page 31, line 20 through page 32, line 2; page 34, line 26 through page 35, line 12; page 36, lines 1-20; and page 35, line 18-29*).

The graphical program is executable by the computer (*see, e.g., page 14, line 18 through page 15, line 2; and page 20, lines 8-10*).

Claim 18 is directed to a memory medium comprising program instructions. Claim 18 is supported in the specification similarly to the method of Claim 1 described above. In addition, see the passage starting at page 17, line 16 and continuing through page 18, line 11. The program instructions are executable to:

display a first hardware device node in a graphical program in response to user

input (*see, e.g., page 7, lines 4-12; page 10, lines 23-24; page 23, lines 18-24; page 24, lines 3-5; and page 32, line 13*), wherein the graphical program comprises a plurality of interconnected nodes or icons (*see, e.g., page 20, lines 1-5*), wherein the plurality of interconnected nodes or icons visually indicate functionality of the graphical program (*see, e.g., page 3, lines 12-16*);

associate the first hardware device node with a hardware device (*see, e.g., page 7, lines 13-21; page 10, lines 24-29; page 23, line 25 through page 24, line 2; page 24, lines 6-16; page 25, line 29 through page 26, line 5; page 26, lines 7-25; and page 32, lines 14-17*);

display on a display screen a second hardware device node in the graphical program in response to user input (*see, e.g., page 7, line 22; page 11, lines 1-3; page 24, lines 3-5; page 24, lines 17-18; and page 32, lines 18-19*);

connect the first hardware device node to the second hardware device node in response to user input (*see, e.g., page 7, lines 23-30; page 11, lines 3-7; page 24, lines 6-10; page 24, lines 19-23; page 25, lines 23-28; page 26, lines 26-28; page 27, lines 10-17; and page 32, lines 20-28*); and

propagate information from the first hardware device node to the second hardware device node, wherein the information specifies the hardware device with which the first hardware device node is associated, wherein said propagating occurs in response to said connecting the first hardware device node to the second hardware device node (*see, e.g., page 8, lines 1-6; page 11, lines 6-17; page 24, lines 10-16; page 24, lines 23-27; page 27, lines 1-2; page 27, lines 3-9; page 27, lines 18-24; page 27, line 29 through page 28, line 3; page 32, line 29 through page 33, line 4; and page 33, lines 18-21*).

The graphical program is executable by a computer system (*see, e.g., page 14, line 18 through page 15, line 2; and page 20, lines 8-10*).

Claim 26 is directed to a memory medium comprising program instructions. Claim 26 is supported in the specification similarly to Claim 10 described above. In addition, see the passage starting at page 17, line 16 and continuing through page 18, line 11. The program instructions are executable to:

display a first hardware device node in a graphical program in response to user input (*see, e.g., page 8, lines 28-29; page 10, lines 4-7; page 10, lines 24-25; and page 27, lines 10-12*), wherein the graphical program comprises a plurality of interconnected nodes or icons (*see, e.g., page 20, lines 1-5*), wherein the plurality of interconnected nodes or icons visually indicate functionality of the graphical program (*see, e.g., page 3, lines 12-16*);

associate the first hardware device node with a first hardware device class in response to user input (*see, e.g., page 8, lines 29 through page 9, line 5; page 10, lines 24-26; page 27, lines 11-17; and page 34, line 7-13*);

select a method or property of the first hardware device class for the first hardware device node in response to user input (*see, e.g., page 9, lines 5-6; page 10, lines 8-19; page 28, lines 4-16; and page 34, lines 14-19*);

change the first hardware device node to have an association with a second hardware device class in response to user input (*see, e.g., page 9, lines 7-10; page 30, lines 16-18; and page 34, lines 20-25*); and

perform type checking to determine whether the method or property is valid for the second hardware device class, in response to said changing the first hardware device node to have an association with the second hardware device class (*see, e.g., page 9, lines 10-23; page 30, lines 11-24; page 31, line 20 through page 32, line 2; page 34, line 26 through page 35, line 12; page 36, lines 1-20; and page 35, line 18-29*).

The graphical program is executable by a computer system (*see, e.g., page 14, line 18 through page 15, line 2; and page 20, lines 8-10*).

Claim 32 is directed to a system for propagating type information for hardware device nodes in a graphical program. Claim 32 is supported in the specification similarly to Claim 1 described above. In addition, see the passage starting at page 18, line 14 and continuing through page 19, line 23. The system comprises: a computer including a processor coupled to a memory; a display screen coupled to the computer; and a user input device coupled to the computer (*see, e.g., page 18, line 5 through page 19, line 23; and Figures 1A, 1B and 2*). The processor is operable to execute program instructions stored in the memory to:

display on the display screen a first hardware device node in the graphical program in response to user input received from the user input device (*see, e.g., page 7, lines 4-12; page 10, lines 23-24; page 23, lines 18-24; page 24, lines 3-5; and page 32, line 13*), wherein the graphical program comprises a plurality of interconnected nodes or icons (*see, e.g., page 20, lines 1-5*), wherein the plurality of interconnected nodes or icons visually indicate functionality of the program (*see, e.g., page 3, lines 12-16*);

associate the first hardware device node with a hardware device (*see, e.g., page 7, lines 13-21; page 10, lines 24-29; page 23, line 25 through page 24, line 2; page 24, lines 6-16; page 25, line 29 through page 26, line 5; page 26, lines 7-25; and page 32, lines 14-17*);

display on the display screen a second hardware device node in the graphical program in response to user input received from the user input device (*see, e.g., page 7, line 22; page 11, lines 1-3; page 24, lines 3-5; page 24, lines 17-18; and page 32, lines 18-19*);

connect the first hardware device node to the second hardware device node in response to user input received from the user input device (*see, e.g., page 7, lines 23-30; page 11, lines 3-7; page 24, lines 6-10; page 24, lines 19-23; page 25, lines 23-28; page 26, lines 26-28; page 27, lines 10-17; and page 32, lines 20-*

28); and

propagate information from the first hardware device node to the second hardware device node, wherein the information specifies the hardware device with which the first hardware device node is associated, wherein said propagating occurs in response to said connecting the first hardware device node to the second hardware device node (*see, e.g., page 8, lines 1-6; page 11, lines 6-17; page 24, lines 10-16; page 24, lines 23-27; page 27, lines 1-2; page 27, lines 3-9; page 27, lines 18-24; page 27, line 29 through page 28, line 3; page 32, line 29 through page 33, line 4; and page 33, lines 18-21*).

The graphical program is executable by the computer (*see, e.g., page 14, line 18 through page 15, line 2; and page 20, lines 8-10*).

Claim 39 is directed to a system for performing type checking for a hardware device node in a graphical program. Claim 39 is supported in the specification similarly to Claim 10 described above. In addition, see the passage starting at page 18, line 14 and continuing through page 19, line 23. The system comprises: a computer including a processor coupled to a memory; and a display screen coupled to the computer (*see, e.g., page 18, line 5 through page 19, line 23; and Figures 1A, 1B and 2*). The processor is operable to execute program instructions stored in the memory to:

display on the display screen a first hardware device node in the graphical program in response to user input (*see, e.g., page 8, lines 28-29; page 10, lines 4-7; page 10, lines 24-25; and page 27, lines 10-12*), wherein the graphical program comprises a plurality of interconnected nodes or icons (*see, e.g., page 20, lines 1-5*), wherein the plurality of interconnected nodes or icons visually indicate functionality of the graphical program (*see, e.g., page 3, lines 12-16*);

associate the first hardware device node with a first hardware device class in response to user input (*see, e.g., page 8, lines 29 through page 9, line 5; page 10, lines 24-26; page 27, lines 11-17; and page 34, line 7-13*);



select a method or property of the first hardware device class for the first hardware device node in response to user input (*see, e.g., page 9, lines 5-6; page 10, lines 8-19; page 28, lines 4-16; and page 34, lines 14-19*);

change the first hardware device node to have an association with a second hardware device class in response to user input (*see, e.g., page 9, lines 7-10; page 30, lines 16-18; and page 34, lines 20-25*); and

perform type checking to determine whether the method or property is valid for the second hardware device class, in response to said changing the first hardware device node to have an association with the second hardware device class (*see, e.g., page 9, lines 10-23; page 30, lines 11-24; page 31, line 20 through page 32, line 2; page 34, line 26 through page 35, line 12; page 36, lines 1-20; and page 35, line 18-29*).

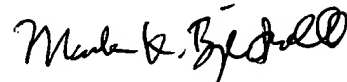
The graphical program is executable by the computer (*see, e.g., page 14, line 18 through page 15, line 2; and page 20, lines 8-10*).

**REMARKS**

The above "Summary of the Claimed Subject Matter" is submitted to replace the corresponding section in the Appeal Brief filed by Applicant on 12/29/2006.

The Commissioner is authorized to charge any fee that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5150-52100/JCH. This paper is submitted with a return receipt postcard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark K. Brightwell", written in a cursive style.

Mark K. Brightwell

Reg. No. 47,446

Agent for Appellant

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